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The present amendment is submitted in response to the Office Action dated July 21, 2006, which set a three-month period for response, making this amendment due by October 21, 2006.

Claims 1, 4, and 7-17 are pending in this application.

In the Office Action, claims 1-8, 11, 12, and 15-17 were rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Patent No. 3,968,843 to Shotwell. Claims 9 and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Shotwell. Claim 10 was rejected under 35 U.S.C. 103(a) as being unpatentable over Shotwell in view of DD 151893A to Buettner. Claim 13 was rejected under 35 U.S.C. 103(a) as being unpatentable over Shotwell in view of U.S. Patent No. 5,361,500 to Naslund et al.

In the present amendment, claim 1 has been amended to more clearly define the present invention over the cited references. Specifically, claim 1 now includes the features of claims 2, 3, 5, and 6 and features disclosed on pages 6-8 of the specification. Claims 2, 3, 5, and 6 were canceled.

Amended claim 1 defines that the fastening members 70 fix the mount 40 to the motor housing; the members 70 penetrate the complete unitary component, that is, they penetrate the mounting plate 60 and the vibration damping element 50 and the mount 40 and are guided through corresponding passages 62, 54, 42 of these; with one end 72, the member 70 is attached to the motor housing 11; the member 70 has a stop part 76 in the form of a collar on its shaft 74; the stop part 76 engages on the mount and firmly clamps this to the

motor housing 11; each member 70 further has a securing element 71, which is formed from a screw head 77 on its other end; and the securing element 71 is free-standing relative to the mounting plate 60 during normal operation, but if the vibration-damping element 50 is defective, for instance if it is torn, firmly holds the mounting plate 60 and by way of it the handle 15 and the motor housing 11 together.

The cited patent to Shotwell fails to disclose or suggest all of the features of amended claim 1. In the Shotwell reference, the mount 32 is attached with screws 54 to the motor housing 14. The mounting plate 34 is connected with other screws 58 with the handle 19. Between the mount 32 and the mounting plate 34, the vibration damping element 30 is located, which is adhered thereon (column 3, line 25). In this manner, a unitary component 32, 30, 34 is formed. In the interior of this component, a liner 40 is disposed, which is fixed by means of an end-side flange 40a, 40b to 32 or 34. The liner 50 comprises a "resilient material such as neoprene" (column 3, lines 43-44).

If the vibration damping element 30 is damaged, for example, it tears, then also the inner liner 40 tears. Then, the handle 19 and the motor housing 14 are separate from one another. If, then, in operation, the machine is held by the user at the handle 19 and the vibration damping element 30 tears, including the liner 40, then the motor housing 14 with all of the components including the mount 32 fixedly screwed thereto via the screws 54 falls off and can fall on the foot of the user, for example. In any case, damage or injury would result.

The invention as defined in amended claim 1 differs from Shotwell in that two different screw attachments (54 on the one hand for 32 and 58 on the other hand for 34) are NOT required, which according to Fig. 2, require a corresponding plurality of bores and also screws 54, 58. Instead, for example, only four axial, relatively long fastening members 70 are provided, which penetrate all three components 60, 50, 40 of the unitary component and are attached with an end 72 to the motor housing 11 by means of screw threads. In this manner, the mount 40 is axially clamped to the motor housing 11 via the stop part 76 (collar), which is axially guidable through the parts 60 and 50 and is a one-piece part of each fastening member 70. With the opposite end, each fastening member 70 projects axially over the facing side of the mounting plate 60. An axial distance exists between the mounting plate 60 and the end-side securing element 71 in the form of an end-side screw head 77.

With damage, such as tearing, of the vibration damping element 40, the handle 15 and the motor housing 11 are not axially separated from one another. In addition, both are held together by the fastening member 70, since then the securing elements 71 in the form of the screw heads 77 axially contact the mounting plate 60. The mounting plate 60 therefore remains on the mount 40 and on the motor housing 11. Since the handle 15 is connected by a common fixing device (not described further here) with the mounting plate 60, the handle 15 remains still connected to the motor housing 11. Therefore, in a simple manner, a safety risk is eliminated.

Because Shotwell fails to disclose all of the features of amended claim 1, the rejection under Section 102 must be withdrawn. To support the rejection of a claim under Section 102, the cited reference must disclose each and every element of the rejected claims with sufficient clarity to prove its existence in the prior art. *Motorola, Inc., v. Interdigital Tech. Corp.*, 43 USPQ 2d 1481, 1490 (Fed. Cir. 1997). Here, this standard is not met.

Likewise, none of the cited references suggest all of these features, so that a combination of the references, as proposed, does not render claim 1 obvious.

For the reasons set forth above, the Applicants respectfully submit that all of claims 1, 4, and 7-17 are patentable over the cited art. The Applicants further request withdrawal of the rejections and reconsideration of the claims as herein amended.

In light of the foregoing amendments and arguments in support of patentability, the Applicants respectfully submit that this application stands in condition for allowance. Action to this end is courteously solicited.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,



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